

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

**(Continuation of California Notice Register 2003, No. 7-Z,
and Meeting of February 7, 2003)**

(Note: The Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to the adoption. See the Updated Informative Digest.

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 205, 220, 240, 2084 and 7891 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations to conform ocean sportfishing regulations for salmon within state waters to those agreed upon by the Pacific Fishery Management Council (PFMC).

Updated Informative Digest/Policy Statement Overview

Annually, the PFMC develops ocean salmon fishing regulations that must meet specific allocation and spawning escapement goals for the stocks managed under the Salmon Fishery Management Plan.

The Initial Statement of Reasons reflected the range of possible management measures that will be considered for 2003. At the PFMC's March 10-14, 2003 meeting, three options were developed that will consider specific changes from current regulations. The following changes are due to high ocean abundance forecasts of Oregon Coastal Natural (OCN) coho, an endangered species, and Klamath River fall chinook.

Under all three options, the season length south of Point Arena is the same as current regulations, and the season length is extended 12 days between Horse Mountain and Point Arena by opening all of July.

The options are as follows:

Option 1

This option provides an increase of 26 fishing days in the Klamath Management Zone (KMZ) sport fishery compared to current regulations. There is a no weekly catch limit in KMZ for the entire season.

Option 2

This option provides an increase of 16 fishing days in the Klamath Management Zone (KMZ) sport fishery compared to current regulations. There is a no weekly catch limit in KMZ for the entire season.

Option 3

This option provides an increase of 6 fishing days in the Klamath Management Zone (KMZ) sport fishery compared to current regulations.

The final regulation recommendations will be made by the PFMC on April 11, 2003. Upon approval of the PFMC's management recommendations by the Secretary of Commerce, the State must move in a timely manner to conform its ocean sport fishing regulations for salmon in State waters (0 to 3 miles offshore) to those agreed upon by the PFMC. The federal regulations are expected to be implemented effective May 1, 2003.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Board of Supervisors Chambers, Administration Building, 2800 W. Burrel, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to fgc@dfg.ca.gov, but must be received no later than April 4, 2003 at the hearing in Visalia, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an Initial Statement of Reasons, including environmental considerations and all information upon which the proposal is based are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Patty Wolf, Marine Region, Department of Fish and Game, phone (562) 342-7108, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons and the regulatory language may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process

may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Regulations close to status quo are expected to be adopted.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John M. Duffy
Assistant Executive Director

Dated: March 20, 2003